UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/C.6/47/1
18 September 1992

ORIGINAL: ENGLISH

Forty-seventh session
SIXTH COMMITTEE

ALLOCATION OF AGENDA ITEMS TO THE SIXTH COMMITTEE

Letter dated 18 September 1992 from the President of the General Assembly addressed to the Chairman of the Sixth Committee

I have the honour to transmit to you herewith the decisions taken by the General Assembly at the 3rd plenary meeting of its forty-seventh session pertaining to allocation of items to the Sixth Committee.

May I also invite your attention to the recommendations on the organization of the session contained in section II of the report of the General Committee (A/47/250) as well as to the recommendation concerning the agenda of the Main Committees contained in section IV (para. 35) of that report. Those recommendations were also approved by the General Assembly at its 3rd plenary meeting. I earnestly request your cooperation in this regard.

(Signed) Stoyan GANEV

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Allocation of items to the Sixth Committee

1. Observer status of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States (item 125).

2. Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts (item 126).

3. Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives (item 127).

4. United Nations Decade of International Law (item 128).

5. Report of the International Law Commission on the work of its forty-fourth session (item 129).

6. Convention on jurisdictional immunities of States and their property (item 130).

7. Report of the United Nations Commission on International Trade Law on the work of its twenty-fifth session (item 131).

8. Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto (item 132).

9. Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (item 133).

10. Report of the Committee on Relations with the Host Country (item 134).

11. Additional protocol on consular functions to the Vienna Convention on Consular Relations (item 135).

12. Protection of the environment in times of armed conflict (item 136).

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General Assembly

Distr.
GENERAL

A/C.6/47/2
23 September 1992

ORIGINAL: ENGLISH

Forty-seventh session
SIXTH COMMITTEE

PROGRAMME OF WORK

Decision adopted by the Sixth Committee at its 3rd meeting, on 23 September 1992

At its 3rd meeting, on 23 September 1992, the Sixth Committee adopted the following timetable for the work of the Committee indicating the dates of consideration of the items allocated to it by the General Assembly, on the understanding that it would be applied with the necessary degree of flexibility.

Item	Dates of consideration
Report of the United Nations Commission on International Trade Law on the work of its twenty-fifth session	23-24 September 1992
Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts	25 September 1992
Observer status of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States	28 September 1992
Protection of the environment in times of armed conflict	1-6 October 1992
Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives	7-9 October 1992

Item	Dates of consideration
Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization	12-20 October 1992
Additional protocol on consular functions to the Vienna Convention on Consular Relations	21-23 October 1992
Report of the International Law Commission on the work of its forty-fourth session	26 October- 6 November 1992
Convention on jurisdictional immunities of States and their property	9-11 November 1992
Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto	12 November 1992
United Nations Decade of International Law	13-17 November 1992
Report of the Committee on Relations with the Host Country	18 November 1992
Reserved	19-25 November 1992

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General Assembly

Distr.
GENERAL

A/C.6/47/3
28 September 1992

ORIGINAL: ENGLISH

Forty-seventh session
SIXTH COMMITTEE
Agenda item 136

PROTECTION OF THE ENVIRONMENT IN TIMES OF ARMED CONFLICT

Letter dated 28 September 1992 from the Permanent Missions of the Hashemite Kingdom of Jordan and of the United States of America addressed to the Chairman of the Sixth Committee

The delegations of the Hashemite Kingdom of Jordan and the United States of America request that the attached memorandum, prepared to aid in the consideration of agenda item 136, "Protection of the environment in times of armed conflict", be circulated as a document of the Sixth Committee under that item.

The document is being submitted by the delegations listed therein, and such delegations as may in the future be added.

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Annex

MEMORANDUM

International Law Providing Protection to the Environment in Times of Armed Conflict

To assist the members of the Sixth (Legal) Committee in considering agenda item 136, "Protection of the environment in times of armed conflict", the Governments of Jordan and the United States of America have identified the following provisions of existing law:

1. The following specific provisions of international law provide protection for the environment during armed conflict:

(a) The fundamental rule, set out in article 22 of the Regulations annexed to the Hague Convention [IV] of 1907 respecting the laws and customs of war on land, that the right of belligerents to adopt means of injuring the enemy is not unlimited;

(b) The rules governing the means of injuring the enemy reflected in article 23 of the Hague Regulations that prohibit the employment of poison and the destruction of the enemy's property unless such destruction be imperatively demanded by the necessities of war, and in article 28 of the Hague Regulations that prohibit pillage;

(c) The rule, set out in article 55 of the Hague Regulations, that the occupying State is only an administrator and usufructuary of the real estate of the occupied State and consequently is required to safeguard the capital of these properties and administer them in accordance with the rules of usufruct;

(d) The rule, set out in article 53 of the Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War, that any desruction by the occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, is prohibited, except where such destruction is rendered absolutely necessary by military operations;

(e) It is a grave breach of international humanitarian law, and is a war crime, as set out in article 147 of the Fourth Geneva Convention of 1949, to extensively destroy and appropriate property when not justified by military necessity and carried out unlawfully and wantonly;

(f) The rule, reflected in articles 49 and 52 of Additional Protocol I, that military operations may only be directed against military objectives and that acts of violence, whether in offence or defence ("attacks"), shall be strictly directed at military objectives;

(g) It is a war crime to employ acts of violence not directed at specific military objectives, to employ a method or means of combat which cannot be directed at a specific military objective, or to employ a means or method of combat the effects of which cannot be limited as required by the law of armed conflict;

(h) The customary law rule that prohibits attacks which reasonably may be expected at the time to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated, are prohibited; and

(i) The customary law rule that, in so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantege.

2. For States parties the following principles of international law, as applicable, provide additional protection for the environment in times of armed conflict:

(a) Article 55 of Additional Protocol I requires States parties to take care in warfare to protect the natural environment against widespread, long-term and severe damage;

(b) Articles 35(3) and 55 of Additional Protocol I also prohibit States parties from using methods or means of warfere which are intended or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population;

(c) Article 55(2) of Additional Protocol I prohibits States parties from attacking the natural environment by way of reprisals;

(d) Article 2(4) of Protocol III to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects prohibits States parties from making forests or other kinds of plant cover the object of attack by incendiary weapons except when such natural elements are used to cover, conceal or camouflage combatants or other military objectives, or are themselves military objectives; and

(e) The 1977 Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD) prohibits States parties from engaging in military or any other hostile use of environmental modification techniques (i.e., any technique for changing - through the deliberate manipulation of natural processes - the dynamics, composition or structure of the earth, its biota, lithosphere, hydrosphere and atmosphere, or of outer space) having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State party.

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General Assembly

Distr.
GENERAL

A/C.6/47/4
6 October 1992

ORIGINAL: ENGLISH

Forty-seventh session
SIXTH COMMITTEE
Agenda items 104 and 131

PROGRAMME BUDGET FOR THE BIENNIUM 1992-1993

REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTY-FIFTH SESSION

Granting of travel assistance to least developed and other developing countries that are members of the United Nations Commission on International Trade Law

Letter dated 6 October 1992 from the Chairman of the Sixth Committee to the Chairman of the Fifth Committee

I wish to refer to the matter raised in the report of the Secretary-General (A/47/454) concerning the question of granting travel assistance to least developed and other developing countries that are members of the United Nations Commission on International Trade Law (UNCITRAL). The report was circulated under agenda items 104 (Programme budget for the biennium 1992-1993) and 131 (Report of the United Nations Commission on International Trade Law on the work of its twenty-fifth session). The Sixth Committee has debated on the report in conjunction with its consideration of the report of UNCITRAL on its twenty-fifth session. It also discussed the matter during the forty-sixth session of the General Assembly, and resolution 46/56 B was adopted by the General Assembly on 9 December 1991.

In the course of the discussion on this item this year, nearly half the speakers stressed the importance of finding a solution to the question of providing travel assistance to developing countries, particularly the least developed countries, to ensure their participation in the work of UNCITRAL in accordance with the principle of the universality of international trade law. They noted that it was regrettable to see that participation from the developing countries in the activities of UNCITRAL was minimal, and that it was in the interest of developed countries to ensure that delegations of the

developing countries attended the meetings of UNCITRAL and its various working groups to ensure representation of the major legal systems and the universal acceptance of instruments elaborated under the auspices of UNCITRAL. Some delegations refrained from commenting on this item, which was also before the Fifth Committee.

I understand in this context that the Fifth Committee intends during the current session to undertake a comprehensive review of various kinds of financial entitlements and assistance provided to a number of United Nations bodies, including UNCITRAL. After consultations with the Bureau and the members of the Sixth Committee, may I suggest therefore that the Fifth Committee, to which this question was also referred by the Secretary-General, consider this matter and take a substantive decision on it, with due regard to the views expressed in the Sixth Committee on the matter during the forty-sixth session and the current session of the General Assembly.

I would appreciate it if the Fifth Committee could do so not later than the second half of October 1992 and advise me of its decision before the Sixth Committee concludes its consideration of this item.

(Signed) Javad ZARIF